

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

West Edmeston Post Office
West Edmeston, New York

Docket No. A2012-41

PUBLIC REPRESENTATIVE COMMENTS

(February 13, 2011)

The Final Determination to close the post office in West Edmeston, New York, is flawed in the way that most Final Determinations in small post office appeals are flawed. The Postal Service makes boilerplate findings that closure will somehow preserve “the maximum degree of effective and regular service to rural areas . . . where post offices are not self-sustaining” in compliance with section 404(d)(2)(iii). This is hardly plausible, since the maximum degree of effective and regular service, almost by definition, is the degree of service that the current patrons of the West Edmeston post office have chosen.

West Edmeston has 26 P.O. Box customers and 411 rural delivery customers. The P.O. Box customers have found it to be more advantageous (for enhanced security or other reasons) to receive delivery via post office box rather than rural carrier. They will no longer be able to receive service in what is, for them, the “maximum effective and regular” form. To continue to receive such “maximum effective and regular service” after the West Edmeston office is closed, they will have to travel 16 miles round trip six days a week to the Bridgewater post office. See Petition of Claudia and Jonathan Haar, filed October 31, 2011, at 1. This would cause a rather precipitous drop in the value of the service that a postal office box patron at West Edmeston currently receives for the same money.

As far as rural delivery customers of the West Edmeston office are concerned, they currently can avoid the need to drive to the post office for the simple receipt of their mail--a convenience they would continue to have if the West Edmeston office were to be closed. But if rural delivery customers need complex special services (such as bringing an oversize

parcel to the retail counter, weighing it, rating it, and paying postage with a credit card) they currently have the option of purchasing it at the West Edmeston post office. They do have to drive an extra 16 miles roundtrip to Bridgewater, or to lie in wait at their rural mailbox until the carrier arrives. Losing the option of obtaining a special services at the West Edmeston office will substantially reduce the value of such services for current rural delivery patrons.

The reduction in the value of various services that closing the West Edmeston post office would cause is less than for some other small post office closings that have been appealed because of the proportion of current patrons who are box renters is relatively small. only 26 of a total of 437 patrons. See Administrative Record, Item 47, Final Determination 2. Box renters would be most disadvantaged by closing because they would have to drive an additional 16 miles each day to Bridgewater to continue to access this service.

Similarly, the negative financial consequences to the Postal Service of closing the West Edmeston office are less than for some other small post office closings that have been appealed because of the proportion of current patrons who are box renters is small. That is why the Postal Service's estimate of the cost of rural box delivery replacement service (\$9,764) is as small as it is. Final Determination at 9.

Another negative financial consequence of closing the West Edmeston post office is the loss of box rental revenue. There is no estimate of this loss in the Administrative Record. A reasonable estimate, however, is not difficult to calculate. Box rental revenue is \$60 per average-size box per year at Group 7 rates. Multiplying that average figure by the 26 West Edmeston box renters yields an estimate of lost box rent revenue from closing the West Edmeston office of \$1,560 per year. This figure should have been deducted from the net savings of \$42,705 estimated by the Postal Service. Id.

Like many small post office closings that have been appealed, almost all of the net savings claimed by the Postal Service is the salary of the postmaster even where the Postmaster has long since retired, and has been replaced by a non-career PMR, typically at about half the postmaster's salary and benefits. As in many small appealed closings, the Postal Service provides nothing to indicate whether the current non-career PMR will be

separated from the Postal Service upon closing, or will be added to the staff of another facility.

If the current PMR is added to the staff of another facility, no salary cost would be saved. Even if the non-career PMR were separated upon closing, the amount compensation costs saved would certainly not be the full compensation cost of the former EAS-13 postmaster (\$48,569). The postmaster position been held vacant for more than three and a half years (since June 18, 2011), and there is no indication in the Administrative Record, and it would be unreasonable to assume, that the Postal Service would ever have chosen to fill it with another EAS-13 level postmaster, given its current financial predicament. At best, the Postal Service's estimate of savings is double what a reasonable estimate would be. There would be no negative savings if the non-career PMR were added to the staff of another facility. There is no way to determine from the Administrative Record which is more likely to occur. The Final Determination should be remanded to determine whether any savings would actually be achieved by closing the Edmeston post office.

There is an additional defect in the Final Determination. That is the fact that a few months prior to the Final Determination, real estate purchases made it apparent that there were from 25 to 30 Amish families planning to relocate to the West Edmeston service area. At their typical family size of 6-8 children, this raised the likelihood that more than 200 additional people would moving to the West Edmeston post office's service area. Final Determination at 8. The concern expressed at the community meeting was that closing the West Edmeston office would work a particular hardship on these new families because they do not use the internet, cell phones, or cars, and therefore would be unusually dependent on the mail as a form of communication. Petition of West Edmeston Post Office Patrons, filed October 24, 2011, at 1. Because the Amish immigrants would be dependent on horse and buggy to access the distant Bridgewater post office, they would be greatly affected by the Final Determination to close. This development renders the Postal Service's finding that there is no growth expected in the West Edmeston service area invalid. The Postal Service does not deny that its finding was rendered invalid. Its only response to this concern

expressed at the community meeting was to note that “[d]uring the data gathering phase of this study, the average annual household growth rate is -.16%.” Id.

This Postal Service response is entirely inadequate. The Postal Service’s own post office discontinuance regulations provided that “[T]he district manager, Customer Service and Sales, must make sure that a copy of the final determination is prominently posted in the affected Post Offices for at least 30 days” adding that “[i]f there is an error or other reason for amending the final determination, [the district manager must] immediately contact the Headquarters Post Office review coordinator.”¹ The failure of the district manager to make the necessary correction matters because the handbook articulates the Postal Service’s internal regulations and procedures for implementing the public policy that underlies section 404(d) closings.

The Handbook’s legal significance is articulated in its introduction, which states

Handbook PO-101, Postal Office Discontinuance Guide, serves as a tool for providing district Post Office review coordinators information on policies and procedures related to the discontinuance of Post Offices. **Through adherence to these policies and procedures, the Post Office will assess the viability of and customer access to Post Offices, ensuring that the Postal Service continues to provide cost effective universal service to all Americans as outlined in its Transformation Plan of April 2002.** (emphasis supplied)

The standards and procedures mandated in Handbook PO-101 are clearly intended to achieve the postal policy goals that underlie section 404(d). The Handbook requires that the district manager ensure that the Postal Service has posted a Final Determination that is based on an administrative record that is up to date and correct in all material respects.

It is material that the Final Determination be based on a record that shows that revenues at the West Edmeston post office are rising, the population is likely to grow substantially in the near future, and the expected growth consists of an immigrant population that would suffer particular hardship from the closing of the West Edmeston post office.

Because the Final Determination is based on an administrative record that is

¹ United States Postal Service Handbook PO-101, Post Office Discontinuance Guide, section 432.32.

inaccurate in these critical respects, it should be remanded to be updated and corrected so that a current, valid finding can be made on the West Edmeston community's need for the continued operation of its post office and its ability to support it.

Respectfully Submitted,

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